



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/590,841

08/24/2006

Janne Mikkola

915-001.096

1434

4955

7590

03/01/2010

WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

MAPA, MICHAEL Y

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

03/01/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,841	Applicant(s) MIKKOLA, JANNE	
	Examiner Michael Mapa	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The applicant has amended the following:

Claims: 1, 4, 8, 12, 18 and 23 have been amended.

Claims: 2-3, 5-7, 9-11, 13-17, 19-22 and 24-26 have not been amended.

Response to Arguments

2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8, 11-17, 23-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Irvin (US Patent 6418211 herein after referenced as Irvin).

Regarding claim 1, Irvin discloses:

The applicant claims "A method comprising identifying a data transmitting device from which data is being transmitted to a receiving mobile station configured to receive only data transmitted from a transmitting device from which there is defined a call divert command to the receiving mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and only accepts the calls from if the calling party is in the accept list).

The applicant claims "and in case the data transmitting device is identified as said transmitting device from which there is defined a call divert command to the receiving mobile station, receiving the data, or in case the data transmitting device is identified as other than the transmitting device from which there is defined a call divert command to the receiving mobile station, transmitting the data to a predetermined receiving device" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (predetermined receiving device)).

Regarding claim 2, Irvin discloses:

The applicant claims "A method according to claim 1, wherein the transmitting device, from which data is being transmitted to the receiving mobile station, is identified by a network device before transmitting the data to the receiving mobile station, and the receiving mobile station is selected according to the identified data transmitting device by said network device" (Column 4, Lines 5-8 of Irvin, wherein Irvin discloses the service provider (network device) transmitting the caller ID number of the calling party (transmitting device) to the called party (receiving mobile station)).

Regarding claim 3, Irvin discloses:

The applicant claims "A method according to claim 1, wherein the transmitting device, from which data is being transmitted to the receiving mobile station, is identified in the receiving mobile station before activating the data in the receiving mobile station, and according to the identified data transmitting device, the data is received in said receiving mobile station, or it is transmitted further to a predetermined other receiving device" (Fig. 1 & Fig. 2 & Column 4, Lines 4-15 & Column 4, Lines 51-63 of Irvin, wherein Irvin discloses the cellular telephone is programmed to implement call screening based on the number of the calling party having a control unit that is programmed to perform the call screening function wherein a caller ID number is compared to an accept list and a divert list and if the caller ID number is in the accept list receiving and accepting the call and if it is on the divert list diverting the call to either a voice mail box, answering machine or other recording device).

Regarding claim 4, Irvin discloses:

The applicant claims "A system comprising a transmitter for transmitting data from a transmitting mobile station to a receiving mobile station as a response to a call divert command in the transmitting mobile station wherein said receiving mobile station is configured to receive only data transmitted from a transmitting mobile station from which there is defined a call divert command to the receiving mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and only accepts the calls from if the calling party is in the accept list).

The applicant claims "a processor configured to identify a data transmitting device from which data is being transmitted to the receiving mobile station, a receiver for receiving data in the receiving mobile station, in case the data transmitting device is identified as the transmitting mobile station, from which data, according to the call divert command, is transmitted to the receiving mobile station, and a further transmitter for transmitting data to a predetermined receiving device, in case the data transmitting mobile station is identified as other than the transmitting mobile station from which data, according to the call divert command, is transmitted to the receiving mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID

Art Unit: 2617

number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (predetermined receiving device)).

Regarding claim 5, Irvin discloses:

The applicant claims "A system according to claim 4, wherein said processor is configured to identify a previous device from which the data was last transmitted" (Column 6, Lines 32-34 of Irvin, wherein Irvin discloses the call screening database to include a table or other records of recently blocked calls or diverted calls).

Regarding claim 6, Irvin discloses:

The applicant claims "A system according to claim 4, wherein said processor is configured to redefine receiver information of the transmitted data based on predefined receiver information, as a response to identifying the data transmitting device as other than the transmitting mobile station, from which data, according to the call divert command, is transmitted to the receiving mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or

other recording device (redefining receiver information to a predetermined receiving device)).

Regarding claim 8, Irvin discloses:

The applicant claims "A memory stored with a transmitting element, identifying element, receiving element and further transmitting elements, wherein said transmitting element, identifying element, receiving element and further transmitting, are computer program code stored on said memory for carrying out the method of claim 1, when executed by a processor" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 6-16 & Column 4, Lines 50-63 of Irvin).

Regarding claim 11, Irvin discloses:

The applicant claims "A system according to claim 4, wherein the system is a communication network, and that system is located in a network terminal device" (Fig. 1 & Fig. 2 & Column 4, Lines 4-15 & Column 4, Lines 51-63 of Irvin, wherein Irvin discloses the cellular telephone is programmed to implement call screening based on the number of the calling party having a control unit that is programmed to perform the call screening function wherein a caller ID number is compared to an accept list and a divert list and if the caller ID number is in the accept list receiving and accepting the call and if it is on the divert list diverting the call to either a voice mail box, answering machine or other recording device).

Regarding claim 12, Irvin discloses:

The applicant claims "A mobile station comprising a processor configured to: receive a call divert command that is defined in a transmitting mobile station, so that the

Art Unit: 2617

mobile station receives data only from said transmitting mobile station from which there is defined said call divert command to said mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and only accepts the calls from if the calling party is in the accept list).

The applicant claims "identify a data transmitting device, from which data is being transmitted to the mobile station, receive the data, in case the data transmitting device is identified as the transmitting mobile station, from which data, according to the call divert command, is transmitted to the mobile station, and transmit data to a predetermined receiving device, in case the data transmitting device is identified as other than the transmitting mobile station, from which data, according to the call divert command, is transmitted to the mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (predetermined receiving device)).

Regarding claim 13, Irvin discloses:

The applicant claims "A mobile station according to claim 12, said processor configured to identify a telephone number in a request for establishing a connection received from the data transmitting device as that telephone number from which the call divert is defined" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (predetermined receiving device)).

Regarding claim 14, Irvin discloses:

The applicant claims "A mobile station according to claim 12, said processor configured to establish a connection between a transmitting mobile station transmitting an original request for establishing a connection and a receiving mobile station receiving the request for establishing a connection" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the

Art Unit: 2617

divert list, the call is diverted to either a voice mail box, answering machine or other recording device (predetermined receiving device)).

Regarding claim 15, Irvin discloses:

The applicant claims "A mobile station according to claim 12, said processor configured to reroute a request for establishing a connection based on an identified telephone number transmitting the request for establishing a connection" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (predetermined receiving device)).

Regarding claim 16, Irvin discloses:

The applicant claims "A mobile station according to claim 12, said processor configured to receive a message in the mobile station, as a response to identifying a previous data transmitting device as the transmitting mobile station from which data, according to the call divert command, is transmitted to the mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the

Art Unit: 2617

accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (predetermined receiving device)).

Regarding claim 17, Irvin discloses:

The applicant claims "A mobile station according to claim 12, said processor configured to redefine the receiving device of a message and a transmitting element for transmitting the message further to a redefined receiving device as a response to identifying a previous data transmitting device as other than the transmitting mobile station from which data, according to the call divert command, is transmitted to the mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (redefining the receiving device and further transmitting to a predetermined receiving device)).

Regarding claim 23, Irvin discloses:

The applicant claims "A memory stored with instructions that, when executed by a computer, perform processing data for transmission as a response to detecting a call divert command, identifying a data transmitting device, transmitting data to a receiving mobile station according to the call divert command, said receiving mobile station

configured to receive only data transmitted from a transmitting device from which there is defined a call divert command to the receiving mobile station in case the data transmitting device is identified as a transmitting device from which data, according to the call divert command, is transmitted to the receiving mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and only accepts the calls from if the calling party is in the accept list).

The applicant claims "and transmitting data to a predetermined receiving device, in case the data transmitting device is identified as other than the transmitting device from which data, according to the call divert command, is transmitted to the receiving mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (predetermined receiving device)).

Regarding claim 24, Irvin discloses "A memory according to claim 23." The examiner rejects claim 24 with the same arguments provided above (see claim 11).

Regarding claim 26, Irvin discloses "A memory according to claim 23." The examiner rejects claim 26 with the same arguments provided above (see claim 11).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (US Patent 6418211 herein after referenced as Irvin) in view of Reding et al. (US Patent Publication 2004/0156491 herein after referenced as Reding).

Regarding claim 7, Irvin discloses:

The applicant claims "A system according to claim 4, wherein said processor is configured to redefine the receiver information according to predetermined instructions, as a response to identifying the data transmitting device as other than the transmitting mobile station from which data, according to the call divert command, is transmitted to the receiving mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list

Art Unit: 2617

wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (predetermined receiving device)).

Irvin fails to explicitly recite "redefine the receiver information based on data type."

In a related field of endeavor, Reding discloses:

The applicant claims "redefine the receiver information based on data type" (Paragraph [0090] of Reding, wherein Reding discloses permitting the customer to have SMS messages addressed to the home phone number directed to an SMS capable device of the user's choosing).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Irvin to incorporate the teachings of Reding of being able to redefine receiver information based on type such as SMS messages to an SMS capable device for the purpose of improving the system by providing the system with more adaptability to handle various types of data and ensuring that the data is received in the event that the cellular phone does not have the capability to receive SMS messages.

7. Claims 9-10, 18-22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (US Patent 6418211 herein after referenced as Irvin) in view of Grimes (US Patent 5553128 herein after referenced as Grimes).

Regarding claim 9, Irvin discloses:

The applicant claims "A system according to claim 4, wherein the system is a mobile communication network" (Column 1, Lines 1-23 of Irvin).

Irvin fails to disclose "and that the system is located in a message center or a mobile switching center, or both."

In a related field of endeavor, Grimes discloses:

The applicant claims "and that the system is located in a message center or a mobile switching center, or both" (Fig. 1 & Column 2, Lines 16-38 & Column 9, Lines 14-28 of Grimes, wherein Grimes discloses the forwarding call control feature to be located either in a switching node or to be executed in the station sets themselves).

It is also commonly known in the art for various features (i.e. call diversion, handover, etc.) to be located and performed either by the network side (i.e. base station, MSC, etc.) or by the mobile device itself. Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Irvin to incorporate the teachings of Grimes for the purpose of improving the system by having the network side such as the mobile switching center perform the call control and screening functionalities thereby conserving battery power of the mobile device.

Regarding claim 10, Irvin discloses:

The applicant claims "A system according to claim 4, wherein the system is a communication network" (Column 1, Lines 1-23 of Irvin).

Irvin fails to disclose "and the system is located in a network gateway bus."

In a related field of endeavor, Grimes discloses:

The applicant claims "and the system is located in a network gateway bus" (Fig. 1 & Column 2, Lines 16-38 & Column 9, Lines 14-28 of Grimes, wherein Grimes discloses the forwarding call control feature to be located either in a switching node of the network or to be executed in the station sets themselves).

It is also commonly known in the art for various features (i.e. call diversion, handover, etc.) to be located and performed either by the network side (i.e. base station, MSC, etc.) or by the mobile device itself. Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Irvin to incorporate the teachings of Grimes for the purpose of improving the system by having the network side such as the mobile switching center perform the call control and screening functionalities thereby conserving battery power of the mobile device.

Regarding claim 18, Irvin discloses:

The applicant claims "a processor configured to: detect a call divert command, identify a data transmitting device from which data is transmitted to a receiving mobile station configured to receive only data transmitted from a transmitting device from which there is defined a call divert command to the receiving mobile station" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and only accepts the calls from if the calling party is in the accept list).

The applicant claims "transmit data to the receiving mobile station, in case the data transmitting device is identified as the transmitting device from which data,

Art Unit: 2617

according to the call divert command, is transmitted to the receiving mobile station, and transmit data to a predetermined receiving device, in case the data transmitting device is identified as other than the transmitting device from which data, according to the call divert command, is transmitted to the receiving mobile station” (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a cellular telephone having a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (predetermined receiving device)).

Irvin fails to disclose “A mobile switching center comprising a processor” implementing the above functionalities.

In a related field of endeavor, Grimes discloses:

The applicant claims “A mobile switching center comprising a processor” (Fig. 1 & Column 2, Lines 16-38 & Column 9, Lines 14-28 of Grimes, wherein Grimes discloses the forwarding call control feature to be located either in a switching node or to be executed in the station sets themselves).

It is also commonly known in the art for various features (i.e. call diversion, handover, etc.) to be located and performed either by the network side (i.e. base station, MSC, etc.) or by the mobile device itself. Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Irvin to incorporate the

teachings of Grimes for the purpose of improving the system by having the network side such as the mobile switching center perform the call control and screening functionalities thereby conserving battery power of the mobile device.

Regarding claim 19, Irvin in view of Grimes discloses:

The applicant claims "A mobile switching center according to claim 18, wherein the mobile switching center is able to look up in a network home register information for identifying a previous transmitter of data and for defining the receiving device according to an identified previous transmitter" (Column 6, Lines 32-34 of Irvin, wherein Irvin discloses the call screening database to include a table or other records of recently blocked calls or diverted calls. One of ordinary skill in the art would recognize that such a database can be stored together and within a network home register).

Regarding claim 20, Irvin in view of Grimes discloses:

The applicant claims "A mobile switching center according to claim 18, wherein the processor is configured to redefine data receiver information as a response to identifying the data transmitting device as other than the transmitting device from which data, according to the call divert command, is transmitted to the receiving mobile station, and to reroute transmitted data to a redefined receiving device" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is

in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (redefining receiver information and rerouting to a predetermined receiving device)).

Regarding claim 21, Irvin in view of Grimes discloses:

The applicant claims "A mobile switching center according to claim 20, wherein said processor is configured to establish an active connection between the other transmitting device and the redefined receiving device" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (redefining receiver information and rerouting to a predetermined receiving device), therefore once the call is rerouted to the predetermined receiving device an active connection is established so that the calling party is able to leave a message).

Regarding claim 22, Irvin in view of Grimes discloses:

The applicant claims "A mobile switching center according to claim 18, wherein said processor is configured to transmit a given data entity to the receiving device" (Fig. 1 & Fig. 2 & Column 2, Lines 63-67 & Column 3, Lines 1-3 & Column 4, Lines 50-63 of Irvin, wherein Irvin discloses a call screening feature which captures the caller ID number of the calling party and compares the caller ID number to the numbers in the

Art Unit: 2617

accept list and divert list wherein if the caller ID number is in the accept list, the calls will be accepted and cause the phone to ring (receiving the data) and if the caller ID number is in the divert list, the call is diverted to either a voice mail box, answering machine or other recording device (redefining receiver information and rerouting to a predetermined receiving device)).

Regarding claim 25, Irvin in view of Grimes discloses "A memory according to claim 23." The examiner rejects claim 25 with the same arguments provided above (see claim 10).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2617

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617

/Michael Mapa/
Examiner, Art Unit 2617

Application/Control Number: 10/590,841
Art Unit: 2617

Page 22